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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,224	11/14/2003	Vaughn Joseph Marquis	USP01	2564
7590	12/29/2004		EXAMINER	
Vaughn J. Marquis 185 7th Avenue Madawaska, ME 04756			PATEL, VINOD D	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/714,224	MARQUIS, VAUGHN JOSEPH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vinod D. Patel	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 September 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13, 15-31 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13, 15-31 and 34-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11/14/03 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                          |                                                                             |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                         | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .                                              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                          | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED OFFICE ACTION

### INTRODUCTION

1. This application/control number 10/714,224 has been examined. This is final action on the merits of the claimed invention in response to amendment received on 9/14/04. The application has claims 1-13, 15-31, 34-39 pending.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Peissig (US5517786).

Peissig discloses an electrically heated hand grip (10) (Fig. 1-3) comprising: a hand grip - inserted over an end of a shaft (2), a heating member (31) affixed within said hand grip; an end cap assembly (12) including a receptacle (30) having an electrical connecting means (35) and a power source (32, rechargeable batteries) and an electrical connecting means (35, 38), the end cap assembly (12) being removably attached to the hand grip; and an electrical switch (14) being disposed about the end cap assembly for controlling a supply of current to said heating member.

The electrically heated hand grip comprises an inner sleeve having an interior surface and an exterior surface, the inner sleeve adapted to be mounted on the end of said shaft as shown in the drawings (Fig. 1-3). Peissig is silent regarding inner sleeve having heat reflective property

but it is inherently capable of heat reflecting property since all the heat can not be absorbed and some heat will be reflected.

The heating member includes a first electrical terminal and a second electrical terminal, the heating member being surroundingly attached to the exterior surface of said inner sleeve (column 3, line 43-45).

The hand grip further comprises an outer sleeve including a gripping section and an end section, the outer sleeve being inserted over the heating member and the inner sleeve so as to receive the first electrical terminal and the second electrical terminal such that the terminals pass longitudinally through the outer sleeve and extended outward from the end section (Fig. 1-3).

The outer sleeve is adhesively bonded to heating member and said inner sleeve such that the outer sleeve completely encapsulates the heating member and the exterior surface of the inner sleeve forming an integral grip.

The heating member comprises plastic coated heat tape. (Prior art is silent regarding resistance wire or etched foil or printed circuit heater but it is inherent to have any one of the components for heat tape).

During examination, claim limitations are to be given their broadest reasonable reading.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3742

5. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peissig (US5517786).

Peissig discloses the end section includes a plurality of threads internally formed thereon and end cap assembly having externally formed thereon.

Peissig discloses the claimed invention except that the end section includes a plurality of threads internally formed thereon and end cap assembly having externally formed thereon instead of the end section having a plurality of threads externally formed thereon and end cap assembly having thread internally formed thereon. Pessig shows that is an equivalent structure known in the art. Therefore, because these two were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute for end section having a plurality of externally threads and end cap assembly having threads internally formed thereon.

6. Claims 1-13, 15-31 and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peissig (US5517786) in view of Cornell (US2003/0218007 A1).

Cornell discloses an electrically heated hand grip (10) comprising: a hand grip (12) adapted to be mounted on an end of a shaft (14), a heating member (18) affixed within said hand grip; an end cap assembly (696)[Fig. 19, page 4, [0064]] including a receptacle for receiving a power source (692) and an electrical connecting means, said end cap assembly being removably attached to said hand grip; and an electrical switch (62) [Fig 7 & 9, page 4, [0054] teaches power supply 60 and electric controls 62 are electrically connected to power supply, page4, [0055]] being electrically coupled to said power source, said electrical connecting means and said heating member for controlling a supply of current to said heating member.

The electrically heated hand grip comprises an inner sleeve having an interior surface and an exterior surface, the inner sleeve adapted to be mounted on the end of said shaft as shown in the drawings (Fig. 1, 2, page 3, [0046]).

The heating member includes a first electrical terminal and a second electrical terminal, the heating member being surroundingly attached to the exterior surface of said inner sleeve (page 3, [0046]).

The hand grip further comprises an outer sleeve including a gripping section and an end section, the outer sleeve being inserted over the heating member and the inner sleeve so as to receive the first electrical terminal and the second electrical terminal such that the terminals pass longitudinally through the outer sleeve and extended outward from the end section (page 3, [0046]).

The outer sleeve is adhesively bonded to heating member and an inner sleeve such that the outer sleeve completely encapsulates the heating member and the exterior surface of the inner sleeve forming an integral grip (page 3, [0046]).

The heating member comprises any one of electrical heating resistance wire (page 3, [0046], page 5, [0065]).

The end section includes a plurality of threads externally formed thereon (page 4, [0064]).

The end cap assembly further includes a top member, a sidewall member coupled to the top member so as to form the receptacle, and a plurality of threads internally formed within said sidewall member for threadably receiving the end section (page 4, [0064]).

The electrically connecting means includes a first polarity contact, a second polarity contact, and at least one connecting member (Fig. 9, 21, 22).

The electrical switch (62) comprises (page4, [0055]) any one of a variable resistance on-of switch, an on-off switch, an on-off timer or pulsing circuit, a timer switch, a thermostat switch, a potentiometer, a toggle switch, a dip switch, a pushbutton and a slideable switch, the electrical switch being disposed about any one of the top member, the sidewall member, and the outer sleeve (page1,[008] teaches a control system is mounted in the base or elsewhere).

The end cap assembly further includes a light emitting diode electrically coupled to the electrical switch and the power source for indicating when the heating member is activated (page4, [0055]).

The end cap assembly further includes a charging means electrically coupled to the power source for charging the power source (page4, [0064]).

The shaft comprises a shaft of any one of a golf club, tennis racket, badminton racket, hockey stick, curling broom, ski pole, paddle, fishing rod, broom, shovel, rake, hoe, screw driver, hammer, gardening tool, umbrella, cane, or walking stick (page4, [0064], page 5, [0070-0073]).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15-20 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell (US2003/0218007 A1) in view of Karner (US5870815).

Art Unit: 3742

Cornell discloses an electrically heated hand grip comprising all the claimed limitations as described above, but Corner is silent regarding gripping section having a plurality of dimples or ridges.

Karner discloses (column 1, line 24-36) modern handle grips for golf clubs typically have complex shapes, for example, they frequently include an interior axial "reminder" ridge that when the grip is installed on a cylindrical club shaft, results in a tear drop, ovalate shape to the grip that provides a golfer with a comfortable fit when holding the club. Golf club grips may also feature a logo or insignia identifying the manufacturer or model of the golf club, or have a repeating design. Additionally, they may include raised or grooved patterns, dimples, or other relief to provide tactile feedback in order to assist and assure the golfer's consistent and proper gripping of the club.

It would have been obvious to provide plurality of dimples or ridges as taught by Karner for the hand grip of Cornell in order to provide golfer with a comfortable fit when holding the club and to assist and assure the golfer's consistent and proper gripping of the club.

#### *Response to Arguments*

9. Applicant's arguments filed 9/14/04 have been fully considered but they are not persuasive. Peissig discloses an electrically heated hand grip (10) (Fig. 1-3) comprising: a hand grip -inserted over an end of a shaft (2), a heating member (31) affixed within said hand grip; an end cap assembly (12) including a receptacle (30) having an electrical connecting means (35) and a power source (32, rechargeable batteries) and an electrical connecting means (35, 38), the end cap assembly (12) being removably attached to the hand grip; and an electrical switch (14) being disposed about the end cap assembly for controlling a supply of current to said heating

Art Unit: 3742

member. The electrically heated hand grip comprises an inner sleeve having an interior surface and an exterior surface, the inner sleeve adapted to be mounted on the end of said shaft as shown in the drawings (Fig. 1-3). Peissig is silent regarding inner sleeve having heat reflective property but it is inherently capable of heat reflecting property since all the heat can not be absorbed and some heat will be reflected. The heating member includes a first electrical terminal and a second electrical terminal, the heating member being surroundingly attached to the exterior surface of said inner sleeve (column 3, line 43-45). The hand grip further comprises an outer sleeve including a gripping section and an end section, the outer sleeve being inserted over the heating member and the inner sleeve so as to receive the first electrical terminal and the second electrical terminal such that the terminals pass longitudinally through the outer sleeve and extended outward from the end section (Fig. 1-3). The outer sleeve is adhesively bonded to heating member and said inner sleeve such that the outer sleeve completely encapsulates the heating member and the exterior surface of the inner sleeve forming an integral grip. The heating member comprises plastic coated heat tape. (Prior art is silent regarding resistance wire or etched foil or printed circuit heater but it is inherent to have any one of the components for heat tape). See claims rejection for detail. During examination, claim limitations are to be given their broadest reasonable reading.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is 703-308-5227. The examiner can normally be reached on 7.30 A.M. TO 4.00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

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*12/27/04*